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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,909	04/19/2005	Mauro Barbuio	A-9534	3841
7590 Hoffman Wasson & Gitler 2461 South Clark Street Suite 522 Crystal Center II Arlington, VA 22202			EXAMINER MACARTHUR, VICTOR L	
			ART UNIT	PAPER NUMBER
			3679	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/531,909

Applicant(s)

BARBUIO, MAURO

Examiner

Victor MacArthur

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/19/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

Claims 2-4 are objected to because of the following informalities:

- The phrase “its” (line 3 of claim 4) should be replaced with --said T-beam-- to improve claim clarity.
- The phrase “the two legs” (line 7 of claim 4) lacks proper antecedent basis and should be replaced with --two legs--.
- The phrase “a first part” (line 7 of claim 4) should be replaced with --a first part of said two parts-- to improve claim clarity.
- The phrase “the second free part” (line 8 of claim 4) lacks proper antecedent basis and should be replaced with --a second free part of said two parts—to improve claim clarity.
- The phrase “the appendix of another inverted T-beam” (line 16 of claim 4) should be replaced with --an appendix of another inverted T-beam-- to improve claim clarity.
- The phrase “the tooth and the edge of the inner portion of said other inverted T-beam” (lines 16-18 of claim 4) lacks proper antecedent basis and should be replaced with --a tooth and an edge of an inner portion of said other inverted T-beam-- to improve claim clarity.
- The phrase “An element” (line 1 of claims 2 and 3) should be replaced with --An inverted T-beam-- to improve claim clarity.

Appropriate correction is required.

For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear specifically what structure is meant to be described by the phrase “the appendix of another inverted T-beam having an identical appendix by the tooth and the edge of the other inverted T-beam” (lines 16-18 of claim 4). What element is the “identical appendix” identical to? Is the “identical appendix” the same element as “the appendix of another inverted T-beam”?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Koski (U.S. Patent 5,687,525).

Art Unit: 3679

Claim 4. Koski discloses (figs. 1 and 3-5) an inverted T-beam (75) comprising: two ends (left and right ends of 75) and a central web (central web of 75); at least one (left end of 75) of its ends having an appendix (26) formed from two portions (left portion of 26, right portion of 26) of a different height, a first inner portion (right portion of 26) extending into a second outer portion (left portion of 26), said outer portion having the lesser height and being bent to a V-shape comprising two parts (41 and remaining left portion of 26) forming the two legs of said V-shape, a first part (part of remaining left portion of 26) being coplanar with the first portion and the second free part (41) comprising a tooth (47), the free end of the tooth substantially facing the end of the first portion, and at least one aperture (18) in the central web having a height substantially corresponding to the height of said outer portion of the appendix such that said aperture is suitable for the insertion and for the stable retention of the outer portion of the appendix of another inverted T-beam having an identical appendix by the tooth and the edge of the inner portion of said other inverted T-beam. The specific method of forming is not germane to the issue of patentability of the device itself. See MPEP § 2113. It is well established by case law that it is the patentability of the product that is to be determined even though such claims are limited and defined by process steps. See *In re Thorpe et al*, 227 USPQ 964 (CAFC 1985). Therefore, the limitation "obtained by cutting out and plastically deforming a part of the second part" (lines 9-10 of claim 4) has been given only limited patentable weight

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3679

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koski (U.S. Patent 5,687,525) in view of Duffy (U.S. Patent 2,927,384).

Claim 2. Koski discloses (figs 2-5) an element as claimed in claim 4, wherein the appendix is secured to the ends of the beam by cinch-like connection (21 as described in col.3, ll.19-21). Koski does not expressly state what type of cinch-like connection should be used thus motivating one concerned with constructing the Koski assembly to seek out a specific type of cinch-like connection. Duffy (fig.4) teaches that rivets are ideal cinch-like connectors (col.2, ll.39-45). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to chose a rivet, as taught by Duffy, to construct the Koski assembly since Koski requires the use of such a device.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koski (U.S. Patent 5,687,525) in view of Brown (U.S. Patent 4,108,563).

Claim 3. Koski discloses an element as claimed in claim 4, wherein the appendix and beam are of a two piece construction. Brown teaches (col.3, ll.45-50) that one-piece and two-piece constructions are well known to be equivalent in the art of appendix-beam construction. Therefore, it would have been obvious to one with ordinary skill in the art to modify the Koski appendix and beam to be formed in one piece, as taught by Brown, since one-piece and two-piece construction are well known equivalents in the art.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Referring to inverted T-beams:

Purdy U.S. Patent 3,093,221

Lickliter U.S. Patent 3,584,904

Mieyal U.S. Patent 4,648,230

Sauer U.S. Patent 6,305,139

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085.

The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.



VLM

January 31, 2007



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